

Notice of Allowability

Application No.

10/064,634

Applicant(s)

BRODNICK, DONALD EUGENE

Examiner

Carl H. Layno
Carl H. Layno 11/28/04

Art Unit

3762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Paper No. 08012002.
2. ☒ The allowed claim(s) is/are 1-25.
3. ☒ The drawings filed on 09 September 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 8/12/02, 11/17/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Information Disclosure Statement

1. Acknowledgment is made of applicant's Information Disclosure Statements (PTO-1449) which were received by the Office on August 12, 2002 and on November 17, 2003.

2. Claims 1-25 are active.

Drawings

3. Applicant's formal drawings were received by the Office on September 9, 2002 and have been approved by the Examiner.

Allowable Subject Matter

4. Claims 1-25 are allowed.

Reasons for Allowance

5. The following is an examiner's statement of reasons for allowance:

Independent claims 1, 6, 11, 16, and 21 relate to methods, system features, software storage medium and signals, respectively, pertaining to the display of waveform data, and in particular ECG data. The claims recite the use of two adjacent display portions on a screen, wherein the data samples associated the first portion of the screen represent the most recently acquired waveform signal samples whose amplitudes have been temporarily corrected, while

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samples associated with the second portion of the screen represent earlier waveform samples whose amplitudes have been corrected in a more permanent way.

Of the prior art references of record the Stubbs '996 patent, cited herein, comes closest to meeting applicant's claimed details. This reference recites a signal viewing system (Fig.3) including a display area 58 for showing a waveform 60 and equipped with a rectangular subsidiary window 62 for zooming in on portions of the waveform of interest. Waveform data in window 62 is subjected to vertical offset adjustments (Fig.6a). However, unlike applicant's claimed device, that of Stubbs does not include a "continuously varying amplitude level adjustment" to be applied to waveform samples of the "first portion" (i.e. the latest signal samples).

The Lam '018 patent, cited by the Applicant as prior art, also includes the pertinent feature of a split screen for dividing a waveform into two sections for display (Figs.1A-1D). Unlike applicant's claimed device, that of Lam fails to disclose any amplitude adjustment capabilities for making baseline corrections.

The Albrecht et al '393, '045, and '206 patents all describe systems having instrumentation similar to that of the applicant's device but failing to recite the display details and amplitude adjustments capabilities being claimed.

In view of these shortcomings and unable to find any other references in the prior art which show or teach all of applicant's claimed details, the Examiner deems claims 1-25 to be allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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CHL

11/28/2004